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The State of South Carolina



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June 6, 1985

The Honorable Herbert U. Fielding
Senator, District No. 42
608 Gressette Building
Columbia, South Carolina 29202

Dear Senator Fielding:

You have asked for the opinion of this Office as to the following question:

If a majority of Senators and a majority of the Representatives from a particular county cannot agree on persons to be recommended to the Governor to be appointed to a county election commission, what happens to those persons presently serving on that county election commission?

The response to your inquiry is provided by the terms of Section 7-13-70, Code of Laws of South Carolina (1976), which states in pertinent part:

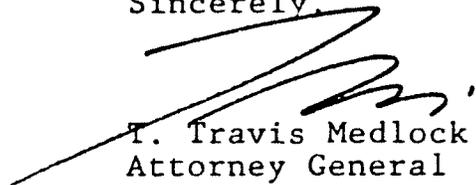
For the purpose of carrying on general or special elections ... the Governor shall, at least thirty days prior to any such election, appoint for each county not less than three nor more than five commissioners of election upon the recommendation of the Senator and at least half of the members of the House of Representatives from the respective counties. Such commissioners shall continue in office until their successors are appointed and qualified. ... [Emphasis added.]

Continuation Sheet Number 2
To: The Honorable Herbert U. Fielding
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The emphasized portion of Section 7-13-70 thus provides for the holding over of previously-appointed commissioners until such time as their successors have been appointed and have qualified.

Please advise if we may provide additional assistance or clarification.

Sincerely,



T. Travis Medlock
Attorney General

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